

NATIONAL SPORTS LAW NEGOTIATION COMPETITION 2015

**Judges' Instructions for
Saturday Afternoon Session**

THOMAS JEFFERSON
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SAN DIEGO • CALIFORNIA

JUDGE ROOM ASSIGNMENTS

Round 2 - A New Hope

NATIONAL SPORTS LAW NEGOTIATION COMPETITION 2015

ROOM ASSIGNMENTS

ROUND 2 - A New Hope (Hope Solo v. Women's Sports Association)

Round 2, Session 2A

Saturday, September 26 at 1:45 pm

Round 2, Session 2B

Saturday, September 26 at 3:20 pm

Room	A	v.	B	Judge 1	Judge 2	Judge 3	Room	A	v.	B	Judge 1	Judge 2	Judge 3
225	A1	v.	B20	TBD	TBD	TBD	231	A11	v.	B10	TBD	TBD	TBD
318	A2	v.	B19	TBD	TBD	TBD	225	A12	v.	B9	TBD	TBD	TBD
128	A3	v.	B18	TBD	TBD	TBD	227	A13	v.	B8	TBD	TBD	TBD
320	A4	v.	B17	TBD	TBD	TBD	229	A14	v.	B7	TBD	TBD	TBD
231	A5	v.	B16	TBD	TBD	TBD	128	A15	v.	B6	TBD	TBD	TBD
229	A6	v.	B15	TBD	TBD	TBD	318	A16	v.	B5	TBD	TBD	TBD
216	A7	v.	B14	TBD	TBD	TBD	320	A17	v.	B4	TBD	TBD	TBD
227	A8	v.	B13	TBD	TBD	TBD	316	A18	v.	B3	TBD	TBD	TBD
316	A9	v.	B12	TBD	TBD	TBD	217	A19	v.	B2	TBD	TBD	TBD
217	A10	v.	B11	TBD	TBD	TBD	216	A20	v.	B1	TBD	TBD	TBD

BACKGROUND

Round 2 – *A New Hope*

- **BIG ISSUE IN SPORTS RIGHT NOW**
- **Domestic Violence**
 - Ray Rice, Adrian Peterson and Ray McDonald in the NFL
 - Not just in the NFL and not just men
- This fact pattern involves a negotiation between charitable foundation and a partner-athlete, who is currently facing charges for criminal charges
- The parties are looking to decide whether to end the relationship, continue the relationship, or simply wait until the case is more resolved

BACKGROUND

The Parties

- **Hope Solo**

- Superstar goaltender for the U.S. Women's National Soccer Team.
- Arrested in June 2014 and charged with two misdemeanor counts of assault in the fourth degree.
- Allegedly attacked her half-sister and nephew after a dispute at his sister's home.
- Case is currently pending appeal after procedural dismissal

- **Women's Sports Foundation (WSF)**

- Organization founded by tennis star Billie Jean King to promote women's sports at the amateur and professional level
- Has awarded over \$50 million in grants and scholarships since 1974
- Overseen by Board of Trustees and 9 member Executive Committee

Issues to be Negotiated

- 1. Will Solo remain as a WSF partner-athlete?**
2. If Solo is removed, will there be a public press release announcing the removal?
3. If Solo is kept, will there be a public press release announcing her retention?
4. Will Solo be permitted to speak in front of the Board or Executive Committee before the decision is made?
5. Will the WSF wait until after Solo's case is resolved before making a decision?
6. Will Solo share what she knows about alleged unethical behavior in the WSF to the Board?

SPECIFIC ISSUES AND INSTRUCTIONS

Issues	Hope Solo	Foundation	Zone of Possible Agreement
Will Solo remain as a WSF partner-athlete?	Any removal as a WSF athlete would be worst-case scenario but If the WSF is adamant that she has to be removed she hopes it will quiet to avoid loss of Gatorade sponsorship	The Executive Committee is unanimous that given its campaigns against domestic violence, the WSF would be inviting criticism by not removing Solo.	No real compromise available but they parties can agree to wait until after Solo speaks in front of the board or there is a final judgment on her case
Press Release? (if Solo is removed)	Preferably no press release in order to keep her removal as quiet as possible.	Wants to issue a short, one-line press release. Will allow Solo's team to expand on it if she is cooperative overall.	Short press release, but give Solo the opportunity to expand on it.

SPECIFIC ISSUES AND INSTRUCTIONS

Issues	Hope Solo	Foundation	Zone of Possible Agreement
Public Campaign against Domestic Violence	Willing to work with the WSF to participate in PR campaign but insists on full media control	No instructions.	Given Solo's toxic public interest, this should not be a serious option.
Will Solo be allowed to speak in front of the Board or Executive Committee?	If Solo cannot convince the WSF to reverse their decision, she wants the WSF to allow her to make her case to the entire Board at their next meeting	4 conditions: 1. Apologize to the Executive Committee 2. Disclose knowledge of unethical behavior 3. Drop all threats 4. Non-disclosure and non-disparagement	All conditions, including Solo speaking in front of the Board instead of the Committee, should be able to be agreed upon.

SPECIFIC ISSUES AND INSTRUCTIONS

Issues	Hope Solo	Foundation	Zone of Possible Agreement
Handing over Information about Unethical Board Conduct	Willing to share what she knows with the Board but not the Executive Committee.	Solo must hand over any information she knows about the unethical conduct as a condition to speaking to Board.	Solo hands over the information in exchange for delaying her removal and allowing her to speak to the Board.
Public Handling of Allegations	If WSF will wait to remove her until she can speak in front of board, will sign non-disclosure and non-disparagement	Solo must sign non-disclosure and non-disparagement as a condition to speaking to Board.	Solo signs NDA/NDC in exchange for delaying her removal and allowing her to speak to the Board.

LEVERAGE POINTS

- **Best Alternative to a Negotiated Agreement (BATNA)**
 - **Women's Sports Foundation**

Solo is dismissed and simply leaves without any lawsuits or leaking any allegations of unethical behavior to the public.
 - **Hope Solo**

The WSF decides to at least wait until Solo's case is completed, and the case is dismissed or Solo is acquitted.
- **Worst Alternative to a Negotiated Agreement (WATNA)**
 - **Women's Sports Foundation**

Solo sues the WSF for defamation and releases damaging allegations of Board misconduct, creating a public scandal.
 - **Hope Solo**

Regardless of the status of her case, she is removed from the WSF and, as a result, Gatorade drops her endorsement.

POTENTIAL OUTCOMES

How WE Envision It

We see only one *true* outcome:

The WSF agrees to allow Solo to speak at the Board's December meeting, and postpone any decision.

Other outcomes are possible though!

However, the parties need to cross a few bridges before any deal can happen.

- Will Solo hand over any evidence of misconduct? Will it be handed over to the Executive Committee or the whole Board?
- Will Solo agree to sign an NDA and drop all threats of lawsuits?
- Will the WSF vote on whether to dismiss Solo right after she speaks, or after her criminal case is resolved?

WHAT DEFINES A GOOD TEAM?

- This problem is *very nebulous*.
 - No clear issues or instructions
- There are also a lot of emotional considerations that need to be addressed before the parties can get to the root issues
 - Even then, some of the issues may bring the parties back to emotional concerns
- **Teams will distinguish themselves by quickly getting past any ill-feelings to work together to get to an amicable and fair result for both sides**

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Thank you!

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